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MONTGOMERY COUNTY, MARYLAND

Montgomery County Council

Public Hearing on

Legislative Bill Nos. 11-76 and 23-76

*Employer - Employee Relation Bills*

Council Hearing Room

County Office Building

100 Maryland Avenue

Rockville, Maryland

8:15 p.m.

Wednesday, July 14, 1976

COUNCIL MEMBERS PRESENT:

Norman Christeller, President  
John Menke  
Elizabeth L. Scull  
Dickran Y. Hovsepian  
Dr. Jane Ann Moore

ALSO PRESENT:

Pearl Schloo, Research Coordinator  
Carolyn Rush, Council Secretary

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P R O C E E D I N G S

MR. CHRISTELLER: Would the Council convene,  
please?

This is a public hearing on Legislative Bill Number 11-76, an act to add new Chapter 18A, title, "Employer-Employee Relations Act," to the Montgomery County Code 1972, as amended, to follow immediately after Chapter 18 thereof, to provide for the election and certification of employee organizations for purposes of meeting with County officials concerning conditions of employment and resolution of grievances, but excluding certain topics from being discussed at any such meetings; to provide for the designation of employee units from which such employee organizations are elected and which such organizations represent; to provide for the preparation of position papers by the County and such employee organizations; to provide for procedures for the decertification of employee organizations; to define certain terms; to provide for the Chief Administrative Officer to finally resolve disputes arising under this Article; to specify responsibilities of the County and the employee organizations; to provide for the protection of those County employees who choose not to become members of an employee organization; and to provide for the retention of existing personnel laws and regulations and the option of any employee to pursue a grievance through the procedures

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1 set forth therein.

2           There are seven exhibits, including the certified  
3 copy of the Bill; amendment to the Bill proposed by the  
4 Council President; transmittal letter from the County  
5 Executive; letter of endorsement from the Personnel Board;  
6 memorandum from the County Council President to the County  
7 Council; copy of request for advertising and proof of  
8 advertising.

9           This is also a public hearing on Legislative  
10 Bill Number 23-76, an Act to add a new Chapter 36A, title,  
11 "Public Employee Relations," to the Montgomery County Code  
12 1972, as amended, to follow immediately after Chapter 36  
13 thereof, to provide for the election and certification of  
14 employee organizations for purposes of meeting with County  
15 officials concerning conditions of employment, the resolution  
16 of grievances, and other matters involving relations between the  
17 County and its employees; to provide for the designation of  
18 employee units from which such employee organizations are  
19 elected and which such organizations represent; to provide for  
20 the recognition of such employee organizations by the County;  
21 to provide for the preparation of memoranda of understanding  
22 by the County and such employee organizations; to provide  
23 for procedures for the decertification of employee organiza-  
24 tions; to define certain terms; to provide for the Chief  
25 Administrative Officer to resolve disputes arising under this

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1 Article, subject to review by the Personnel Board; to specify  
2 responsibilities of the County and the employee organizations;  
3 to provide for the protection of those County employees who  
4 choose not to become members of an employee organization; and  
5 to provide for the retention of existing personnel laws and  
6 regulations and the option of any employee to pursue a  
7 grievance through the procedures set forth therein.

8           There are six exhibits: certified copy of the  
9 bill; request for advertising; proof of advertising;  
10 memorandum from the Legislative Counsel, Philip Tierney; a  
11 letter from Jessie H. Bakeman; and statements from Montgomery  
12 County Government Employee Organization members, supporting  
13 Bill 23-76, which is the bill that was proposed by that  
14 organization.

15           Seven speakers have signed up for this evening.  
16 If there are any others that wish to speak, it would help if  
17 you would give your name to the Council secretary, on the  
18 left.

19           We will begin with Robert Carty, speaking for the  
20 County Executive.

21           MR. CARTY: Mr. President and members of the  
22 County Council, my name is Robert Carty, Assistant Chief  
23 Administrative Officer. On behalf of the County Executive and  
24 the Chief Administrative Officer, I am pleased to offer  
25 comments on Bills 11-76 and 23-76.

ah 1 For the record, Bill Number 11-76 was forwarded to  
2 the Council by the County Executive on June 4th, 1975, and Bill  
3 23-76 was introduced at the request of an employee organization  
4 on June 15,th, 1976.

5 While there are important differences in the two  
6 bills, it is striking that there are many similarities. These  
7 similarities suggest that the general frame of reference  
8 between management and the employees of the Montgomery County  
9 Government is a shared one and that the common goal is to  
10 improve channels of communication so that the citizens of the  
11 County can be better served.

12 I would now like to point out and comment on the  
13 major differences between the two bills.

14 The County Executive's Bill, 11-76, defines  
15 "confidential employee" and later on excludes such employees  
16 from an employee organizations.

17 Such an exclusion is common in most public sector  
18 labor relations legislation. The intent of such exclusion is  
19 to prevent divided loyalties between employees' membership in  
20 an employee organization and their supervisor.

21 Normally, such employees include administrative  
22 aides to elected officials and department heads, as well as  
23 other employees whose responsibilities in management -- such as  
24 in budget, personnel, finance and executive staff -- would be  
25 incompatible with membership in an employee organization.

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1 The definition of "employee" in the bills varies  
2 somewhat. The County Executive's bill defines "employee" as a  
3 Merit System employee working on a continuous full-time basis.  
4 This definition excludes supervisory, confidential and manage-  
5 ment-level employees.

6 Bill 23-76 includes both full-time and part-time  
7 employees whose classification is determined under the personnel  
8 regulations and that bill excludes only elected officials and  
9 management-level employees.

10 While it is common to exclude part-time employees  
11 from employee organizations, it is suggested that in the interest  
12 of clarify, the definition contained in Bill 11-76 include  
13 "part-time, career employees." This is consistent with the  
14 definition in the personnel regulations.

15 The definition of "management-level employee" in the  
16 bills also varies. Bill 11-76, the County Executive's bill,  
17 excludes those employees involved in policy-making or who  
18 responsibly direct the implementation of policy.

19 Bill Number 23-76 defines "management-level  
20 employee" as department or office heads or Merit System  
21 employees who report to the County Executive, the County  
22 Council, or the Chief Administrative Officer.

23 Bill 23-76 also defines a supervisor as a manage-  
24 ment-level employee with certain authority under the charter  
25 and the personnel regulations.

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1 The two definitions in Bill 23-76 would appear to  
2 permit the majority of County supervisors to join units with  
3 rank and file.

4 We believe that policy determination and implementa-  
5 tion is a continuum, that is, a shared responsibility  
6 diminishing only in degree from the top down.

7 For purposes of deciding who should be involved in  
8 an employee organization, a line typically is drawn at the  
9 first level of supervision -- foreman, unit supervisor, or  
10 whatever.

11 It is important for such employees to be  
12 recognized as part of management. We realize that some effort  
13 must be made to properly identify these employees.

14 Bill 11-76 excludes supervisory employees and  
15 defines such employees much more broadly than does Bill  
16 Number 23-76.

17 The County Executive's Bill, again, 11-76, defines  
18 "professional employee" and provides that such employees shall  
19 not be included in a unit which includes nonprofessional  
20 employees unless a majority of the professional employees  
21 specifically request inclusion. Such distinction is normally  
22 made in the interest of ensuring a reasonable community of  
23 interest in employee units.

24 The sections on "determination of employee units"  
25 in both bills contain no substantive differences. However, we

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1 would like to point out that it is important to avoid the  
2 proliferation of employee organizational units.

3 In the neighboring county, there are about 25  
4 units. Such proliferation disrupts any sense of unity among  
5 employees as a group and detracts from a productive, positive  
6 employer-employee working relationship.

7 We suggest that a sentence be added to line 22 of  
8 Bill Number 11-76, stating, "The number of such units shall  
9 not be greater than six in number."

10 Without specifying the units by name, they could  
11 include police, fire, service and maintenance employees,  
12 clerical employees, professional and technical employees,  
13 and one additional unit for any unforeseen circumstance.

14 County employees might prefer to have one large  
15 unit rather than a number of them. There are certain  
16 advantages to such a "conference board" -- which is a technical  
17 name for such an arrangement. It allows for employees to  
18 deal with management in the aggregate, rather than as  
19 splintered individual units, and it would also allow  
20 management to deal with broad issues, such as pay and  
21 benefits, which must of necessity be uniform for all employees.

22 Provision can be made in any unit election for  
23 employees to express their wishes as to whether or not they  
24 desire to affiliate with one unit on a countywide basis or  
25 with a more narrow one.

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1 Another difference in the matter of unit  
2 determination is in Bill 23-76 wherein it provides that a de-  
3 cision of the Chief Administrative Officer may be appealed  
4 to the County Personnel Board.

5 We believe that the matter of unit determination is  
6 critical to management and should not be made a matter of  
7 appeal to the Personnel Board. Furthermore, the authority of  
8 the Personnel Board is rather specific in the County Charter.  
9 Section 404 does not extend to matters of employer-employee  
10 relations.

11 The sections on "procedures for certification of  
12 employee organizations" do not vary between the two bills,  
13 except that Bill 23-76 provides provides that "elections  
14 shall be conducted by the Personnel Board which may ask the  
15 assistance of the Maryland State Department of Labor and  
16 Industry or any other agency."

17 We would suggest that Bill 11-76 is probably too  
18 restrictive and provision should be made for other third  
19 parties to assist in any election process.

20 Another difference involves the percentage of  
21 eligible employees necessary to validate an election. Bill  
22 11-76 provides that at least 60 percent of the employees  
23 eligible to participate in an election are necessary to  
24 validate such election; whereas Bill 23-76 provides that only  
25 50 percent of employees eligible may validate an election.

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1 We believe that 60 percent is not unreasonable,  
2 considering the importance of certifying employee  
3 organizations.

4 Bill 23-76 also provides for payroll dues  
5 collection at the request of the employee. We concur,  
6 providing the organization has been certified and represents  
7 a majority of the employees in the appropriate unit and  
8 providing that the deduction is not obligatory. We feel  
9 that this should be a matter of discussion between the employee  
10 organization and the County.

11 The sections pertaining to "costs of conducting  
12 elections" vary between the two bills. Bill 11-76 provides  
13 for sharing of such cost between the county and the employee  
14 organization, while bill 23-76 provides that the County shall  
15 bear all election costs. We believe this is a shared  
16 responsibility and that the costs should be shared.

17 The next area of some variation concerns the  
18 section on "County-employee organization meetings and  
19 discussions."

20 Bill 11-76 provides that these be held at least  
21 every two years. Bill 23-76 specifies meetings shall be  
22 held quarterly, and it further provides that such meetings  
23 may be with County representatives including the County  
24 Executive and the County Council.

25 We believe that quarterly meetings are too

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1 frequent, and although the two-year provision in the County  
2 Executive's bill was not intended to be limiting, a  
3 provision for at least an annual meeting would appear to  
4 be acceptable.

5 An important difference between the bills  
6 concerns matters to be discussed with employee organizations.  
7 There are certain areas that are commonly excluded from labor  
8 relations legislation.

9 Such matters are normally known collectively as  
10 management rights, and include areas which are typically  
11 inherent in the managerial and policy-making process.

12 Such items are specifically enumerated in  
13 Section 33-69(b) of Bill Number 11-76. Included are such  
14 things as the mission of the County Government, its budget,  
15 its organization, number of employees, positions classified,  
16 grades of employees, work projects, and the technology of  
17 County work.

18 We believe the aforementioned matters are within  
19 the prerogative of the legislative and executive branches and  
20 that they should not be the subject of discussion.

21 One of the criticisms of Bill Number 11-76 is that  
22 if all these things are excluded, what is there left to talk  
23 about? We suggest the answer is a great deal: work conditions,  
24 promotional policies, training programs, group insurance  
25 package, cost-of-living adjustments and the administration of

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1 the Merit System, to name a few. It is important, however,  
2 that these matters be identified which are and have to be  
3 the responsibility of those who are elected or appointed to  
4 carry out County programs.

5 We would point out that Bill 11-76 does provide for  
6 the County or its agent to meet with employee organizations  
7 for the purposes of hearing their views on the aforementioned  
8 managerial matters.

9 With respect to disputes, Bill 11-76 provides that  
10 the decision of the Chief Administrative Officer shall be  
11 final, subject to an appeal to the County Personnel Board  
12 where provided by law.

13 Bill 23-76 would make such appeals to the County  
14 Personnel Board the subject of a mandatory hearing. The role  
15 of the Personnel Board as outlined in the charter is  
16 restrictive and limited to mandatory hearings only in cases  
17 of dismissal, demotion and suspension.

18 There is one difference between the bills in the  
19 sections concerning "employee organization responsibilities."  
20 11-76 would prohibit an employee organization from picketing  
21 the County in any dispute or condoning such activity by  
22 failing to take action to prevent or stop it. We believe that  
23 any bill that is enacted should contain this provision.

24 In conclusion, we believe Bill 11-76, with minor  
25 modifications, represents needed improvements in formalizing

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1 relationships with County employees. We believe it is  
2 consistent with the traditions of our County and will go  
3 far toward improving what are already excellent relations  
4 between the County, as an employer, and County employees.

5 Thank you very much.

6 MR. CHRISTELLER: Thank you, Mr. Carty.

7 Are there questions from the Council?

8 (No response.)

9 MR. CHRISTELLER: Mr. Carty, one comment. When  
10 11-76 was introduced, I noted that it seemed to me that  
11 the definition of "management-level employee" was extremely  
12 broad and uncertain as to just exactly where you're drawing  
13 the line.

14 Now you, in your testimony, have implied where you  
15 think it draws the line, but I'm not personally convinced  
16 that the language of the bill comes out necessarily the  
17 way you've described it, and I think it would be useful for  
18 you to give some thought to how that might be tightened up  
19 some.

20 I think Bill 23 probably goes too far in the other  
21 direction, and I'm looking for some language that falls  
22 somewhere in-between the two in terms of a clearer drawing  
23 of the line as to who may and who may not be in such  
24 organizations.

25 MR. CARTY: We will draft up something, and I'll

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1 send you a copy.

2 MR. CHRISTELLER: I think it would be useful if  
3 you would do that.

4 To some degree, I had the same problem with the  
5 definition of "supervisor," and that's another element that  
6 you might look at for that reason.

7 All right. Mr. Hovsepian?

8 MR. HOVSEPIAN: Mr. President, have you as yet  
9 set a date for a worksession, so that we might be able to --

10 MR. CHRISTELLER: Yes. August 9th; the first day  
11 Council is back from vacation; first order of business.

12 MR. HOVSEPIAN: Thank you.

13 MR. CHRISTELLER: So you might keep that in mind --  
14 1:30 in the afternoon on August 9th, which is a Monday.

15 All right. Thank you very much, Mr. Carty.

16 MR. CARTY: Thank you very much.

17 MR. CHRISTELLER: The next speaker is Allen  
18 Prettyman, for the International Brotherhood of Police  
19 Officers.

20 MR. WHITNEY: Mr. Chairman, I am not Allen  
21 Prettyman. In his place, I am Allen Whitney, Executive  
22 Vice-President of the International Brotherhood of Police  
23 Officers, and I am accompanied this evening by P.F.C. Tom  
24 Moore, who is President of Local 498 of the IBPO.

25 I would like to apologize for not having a

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1 prepared statement for the members of the Council this evening.  
2 However, I don't think that our presentation will take a good  
3 deal of time.

4 What I would like to do at the outset, Mr. Chairman  
5 and members of the Council, is to ask that note be taken of  
6 a letter which I submitted to each member of the County  
7 Council almost exactly one year ago, on July 8th of 1975.

8 At that time, I set forth in writing the position  
9 of the ~~International Brotherhood of Police Officers with~~  
10 respect to the proposed legislation -- it had not, of course,  
11 at that time been introduced -- but the proposed legislation  
12 which had been developed by the County Executive staff  
13 people for the consideration of the County Council.

14 In that letter, as I say, I set forth the position  
15 of our organization. In the intervening period, as nearly  
16 as I can tell, the County's bill has not changed in any  
17 significant degree, and by the same token, the position of  
18 the IBPO with respect to that bill has not changed.

19 Our position is basically that the County  
20 Executive's proposal is rather something of a pale shadow  
21 of what we would typically conceive of in terms of collective  
22 bargaining legislation.

23 We have some very basic problems with that legisla-  
24 tion. In comparison to the second bill which is before the  
25 body, 23-76, there is no question in our mind but what 23-76

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1 is far superior to the County Executive's bill.

2           The basic problem that we have with both pieces  
3 of legislation or proposed legislation is the fact that it  
4 does not provide for a structure within which representatives  
5 of employees may sit down with representatives of management  
6 or the County Government and work out and develop specific,  
7 written criteria relating to such things as base pay, fringe  
8 benefits, working conditions, personnel policy, and things of  
9 that nature.

10           And by the same token, of course, neither bill  
11 provides any meaningful procedure for resolution of any  
12 disputes which may arise between the parties in any of those  
13 enumerated areas.

14           11-76 speaks only in terms of minutes reflecting  
15 the positions taken by the parties at any of the meet and  
16 confer sessions that might occur, and I think it's a failing  
17 on the part of the proposed legislation that it does not  
18 encompass, as I said, any procedure by which any differences  
19 that might arise at such meetings may be resolved in an  
20 impartial and fair fashion.

21           If I could, I'd like to take just a few moments to  
22 deal with a few specific matters, specific points, in both  
23 pieces of legislation and offer our comments on them.

24           With respect to Bill 11-76, I would also agree with  
25 the reaction of the Chairman. I think that the definition of

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1 "management-level employee" is overly broad and lacks any  
2 real degree of definition. I think it would be very helpful  
3 to have a more specifically-defined statement as to what kinds  
4 of duties, what kinds of responsibilities should necessarily  
5 result in the definition of the designation of any given  
6 County employee as a management official.

7 With respect to -- and this touches on a point that  
8 I just spoke to -- on page 3 of 11-76, a position paper is  
9 defined as "a nonbinding written memorandum, reflecting all  
10 items discussed by the County and an employee organization."  
11 My comment applies to that, as well. There is little meaning  
12 for a written document which has no binding features to it  
13 whatsoever, but it simply reflects the positions that were  
14 taken by the employee organization and the County.

15 On page 5 of 11-76, the County proposes to define  
16 "bargaining units" by specifically citing the cut-off point  
17 at which people above that point would be designated as  
18 supervisors and managers, and all those below that level  
19 would be eligible for inclusion in the bargaining unit.

20 The County proposes that those officers in the  
21 ranks of sergeant or equivalent rank and below be included  
22 in the bargaining unit. We would suggest that that be  
23 amended to read, "all those in the ranks of corporal or  
24 below."

25 I think one of the most important differences

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1 between the two bills is the frequency at which meetings  
2 would be called between employee organizations and County  
3 officials.

4 I can't really believe that the County was all that  
5 serious in proposing that organizations elected to speak on  
6 behalf of employees would only be entitled to sit down with  
7 the County every other year to discuss whatever matters might  
8 be on the agenda.

9 In our experience, a typical kind of a frequency  
10 would be more on a monthly basis. I think quarterly would be  
11 acceptable, as would be called for in 23-76.

12 The other primary difference, which was touched  
13 on by the witness for the County Executive, relates to those  
14 matters which may or may not be discussed at these meetings,  
15 whether they are every two years or on a quarterly basis.

16 The primary difference between the two bills is  
17 that in the County's bill, it states that these subjects may  
18 not be discussed; in 23-76, it says that they may be  
19 discussed.

20 The position of our organization is that if this is  
21 the extent to which consultation and meeting and conferring  
22 is going to be granted, I don't think it does any harm for  
23 the County Government to be willing to sit down and at least  
24 discuss these matters.

25 If there is nothing of a binding nature, if there is

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1 no procedure imposed which requires agreements to be reached  
2 by the resolution of disputes, for the life of me, I can't see  
3 what valid reason the County can possibly have for simply  
4 adopting the ostrich-like position that we simply refuse to  
5 discuss these kinds of issues.

6 I think that it does a disservice to the rank and  
7 file members of the police department. I think they have a  
8 lot of good, responsive and responsible kinds of comments to  
9 make on these kinds of subjects, and I think it is at least  
10 incumbent upon the County to be willing to sit down and listen  
11 to their comments on those points.

12 In sum, Mr. Chairman, I would say that despite the  
13 weaknesses that we identify in the bill and despite the  
14 problems that we have with it, we would be willing to  
15 accept the basic provisions of 23-76, and we would urge that  
16 it be looked upon only as a starting point.

17 We would suggest that it would be helpful, in the  
18 first one or two years of experience under that legislation,  
19 to examine the experience to see what kinds of problems  
20 arise and perhaps look at some point down the road to adopting  
21 more substantive legislation which adopts more of the  
22 traditional elements of formal employee-employer relations,  
23 because there are people on this Council who I recall meeting  
24 with in a workshop session some two years ago, and at that  
25 workshop session, there were rather strong, firm statements

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1 made to the effect that we would see some kind of collective  
2 bargaining legislation before November of that year. It is  
3 now the summer of 1976, our Bicentennial year, we're still  
4 waiting, with a great deal of anticipation, and we hope that  
5 the County Council will move this legislation along as quickly  
6 as possible.

7 Thank you.

8 MR. CHRISTELLER: Thank you, Mr. Whitney. Do you  
9 want to add something, Mr. Moore?

10 MR. MOORE: No, sir.

11 MR. CHRISTELLER: All right. Let me just say, Mr.  
12 Whitney -- I, perhaps, was derelict in not mentioning it at  
13 the beginning of the hearing -- that this legislation had not  
14 been introduced by the Council when it was first forwarded to  
15 us by the Executive because we, acting on the basis of the  
16 County Attorney's opinion that we do not have authority for  
17 binding collective bargaining legislation, we supported the  
18 bill submitted by the employee organization to the Montgomery  
19 County delegation last year, requesting that the delegation  
20 grant to the County Council the authority to enact true  
21 collective bargaining legislation.

22 As you know, the delegation considered it at some  
23 length and carried that bill over and indicated to us that,  
24 in the meantime, they wondered why we didn't go ahead with  
25 the meet and confer provisions.

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1           They will, apparently, still be considering that  
2 bill, and as I understand it, there also is a statewide  
3 commission that's to be appointed to study the whole issue  
4 of collective bargaining at local government level.

5           So there is something moving in that direction at  
6 the same time that we're going to move forward to consider  
7 these two bills on the meet and confer.

8           But the comment you made that there can't be a  
9 binding agreement basically relates to that interpretation  
10 of the present legal situation, that we can't engage in  
11 collective bargaining which would result in a binding  
12 agreement.

13           MR. WHITNEY: I think, Mr. Chairman, one minor  
14 amendment to either of the pending bills that might at least  
15 take a little bit of the edge off that factor -- and I  
16 recognize its presence -- would be perhaps the inclusion  
17 of some form of statement of policy on the part of the  
18 County Council to the effect that memoranda of understanding  
19 which might be developed by the parties would at least be  
20 adhered to to the extent possible within the existing law,  
21 simply as a matter of County policy.

22           MR. CHRISTELLER: We can certainly consider something  
23 of that sort. I think the other point that you made, which  
24 was that the bill doesn't provide for any resolution of  
25 differences, is a direct outgrowth of the belief that we don't

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1 have the authority for true collective bargaining at this  
2 time, and therefore, where you are meeting and conferring, the  
3 fact that the bill does provide for the reduction to writing  
4 of the positions of the parties is about as far as one really  
5 can go if you don't have a true bargaining process in terms of  
6 a binding agreement resulting.

7 I think what it really means is that the collective  
8 bargaining process is basically going to be between -- or, the  
9 meet and confer process, at this stage; the collective  
10 bargaining at a later time -- would be between the employee  
11 organization representatives and the representatives of the  
12 County Executive.

13 And in the case of the meet and confer legislation,  
14 the fact the you might produce position papers where you  
15 haven't reached agreement means that if it's an issue that  
16 is something that ultimately the Council will be asked to  
17 resolve, at least the positions of both parties would then  
18 be known to the Council, so that's really what I think is  
19 behind that.

20 MR. WHITNEY: That's very well-taken. The kinds of  
21 procedures that I had in mind that fall somewhat short of full  
22 collective bargaining but which I think are also helpful  
23 are such processes as independent fact-finding, perhaps  
24 advisory arbitration, things of that nature.

25 MR. CHRISTELLER: Yes. That's a good point to

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1 consider. Are there other questions?

2 (No response.)

3 MR. CHRISTELLER: Apparently not. Thank you very  
4 much.

5 MR. WHITNEY: Thank you.

6 MR. CHRISTELLER: The next speaker is James Mills,  
7 representing the Montgomery County Government Employees  
8 Organization.

9 MR. MILLS: My name is James Mills, and I reside  
10 at 24425 Ridge Road, Damascus, Maryland. I am employed by  
11 the Montgomery County Department of Public Works of  
12 Transportation, as an engineer.

13 I am President of Montgomery County Government  
14 Employees Organization and am here tonight to speak in  
15 support of our Bill 23-76.

16 I would like to take this opportunity to express  
17 this organization's appreciation to Mr. Christeller for the  
18 introduction of this bill, in response to our request.

19 This bill, without reservation, must be recognized  
20 as being the single most important piece of legislation that  
21 jointly affects labor and management in the County's history.

22 It offers official recognition by management of  
23 labor, but more importantly, it opens up a vital channel of  
24 communication between these two parties.

25 Our bill presents credibility with dignity; a joint

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1 venture that is certain to bear fruit for management, labor  
2 and the general public.

3 It has always been my personal belief that open  
4 communication is the essential ingredient to produce lasting  
5 harmony and efficiency in production.

6 This bill allows discussion to occur when and where  
7 discussion should occur, during regular intervals at the  
8 conference table.

9 This concept is consistent with the desires of  
10 our current membership and was an ingrained objective at the  
11 inception of this organization.

12 Our membership overwhelmingly voted to establish  
13 the type of organization that must function with local  
14 management.

15 The voices heard during these discussions should be  
16 those of labor and management. The dialogue must be truly  
17 representative of both parties to maintain credibility.

18 Our request is just and, I might add, reasonable.  
19 Therefore, I am very optimistic that the basic points of  
20 our bill will be retained and approved by you, the Council.

21 Mr. Gleason, as you know, had a similar bill  
22 introduced some time ago, and I assume that you have had an  
23 opportunity to familiarize yourself with it. A major omission  
24 in Mr. Gleason's bill, from our viewpoint, was that no provi-  
25 sion had been made for organization dues to be deducted by

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1 check -- a simple process to implement, we have been told --  
2 and one which recent court decisions in similar circumstances  
3 have granted to public employees.

4 Many other aspects of our bill and Mr. Gleason's  
5 when compared are diametrically opposite one another. One  
6 sector that is certain to require thought by you, the Council,  
7 is just where do you draw the line that separates labor from  
8 management.

9 From the begininning, our organization's internal  
10 structure was constituted to accommodate both supervisory and  
11 staff personnel.

12 Membership composition, in fact, clearly dictated  
13 that this approach be taken. Supervisors and staff alike  
14 considered themselves an integral part of labor rather than  
15 management and voluntarily aligned themselves accordingly.

16 They constitute broad and vital segments of our  
17 organization and must remain as identifiable parts of our  
18 organization.

19 Any effort to exclude other than top management  
20 personnel from being members of this organization contrary  
21 to their voluntary choice, would not be in accordance with  
22 sound democratic principles.

23 Limitations on areas of discussion between labor  
24 and management, another important issue, would seriously  
25 cripple credibility.

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1 To justify our stand on this point, one need only  
2 compare both bills to realize that the wording provides no  
3 major binding action on the part of management.

4 Simply because an issue is not discussed, the  
5 forbidden issue is not removed from the thoughts of those  
6 concerned, nor is it any less an issue.

7 In fact, it invariably magnifies that issue to the  
8 point that the issue assumes a greater importance than it has  
9 any right to assume.

10 Had the issue been openly discussed in the  
11 beginning, there is a strong possibility that the issue could  
12 have been resolved in mutual accord.

13 The margin of safety reserved for management in  
14 either Mr. Gleason's bill or our own bill -- not a small  
15 point, I might add -- hopefully will allow adjustments of  
16 differences between the two bills to be weighted in the  
17 organization's favor.

18 Before concluding, I call your attention to a major  
19 omission in our own bill. This omission, quickly detected by  
20 Mr. Christeller, was the failure of our bill to require timely  
21 progress reports to the Council pertaining to our meetings  
22 with top management. This concept we firmly endorse and, in  
23 fact, would desire not to be without.

24 I appreciate this opportunity to testify here  
25 tonight and request from you, the Council, a favorable

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1 consideration and expeditious enactment of our Bill Number  
2 23-76.

3 I would like to add one other thing. I notice that  
4 the worksession scheduled was on August the 9th. We have  
5 all of our -- from myself, our two vice-presidents, and on  
6 down the line, and most of our offices, are all on vacation  
7 at that time.

8 I would appreciate it, if possible, if you could  
9 move that up a couple weeks, if it would meet with your  
10 schedule.

11 MR. MENKE: Move it up or back? Which one?

12 MR. MILLS: Well, we would prefer up; sooner.

13 MR. MENKE: Then all of us will be on vacation.

14 MR. MILLS: We really would appreciate it.

15 MR. CHRISTELLER: Mr. Hovsepien?

16 MR. HOVSEPIAN: We've had long discussions on this;  
17 we've had several discussions with our employees. One of the  
18 things we must be concerned with -- and I'm sure we discussed  
19 this with Fran Abrams -- was what I might call a preconceived  
20 decision on a matter where the Council would have to hold a  
21 public hearing. Let's take a piece of legislation that might  
22 modify this bill, or the need for a piece of legislation to  
23 set forth -- or a change in personnel regulations. Those  
24 things are the subject of hearings.

25 The problem that we could encounter is an agreement

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1 in advance that we would not only introduce the bill, but we  
2 would vote for whatever it was that was discussed. Am I  
3 getting my point across?

4 MR. MILLS: No.

5 MR. HOVSEPIAN: That is, a public hearing would then  
6 become a charade, in the sense of no changes, no nothing,  
7 that's the way it's going to go all the way through, and we've  
8 decided we're going to vote for that anyhow.

9 That could be subject to litigation, by the way, I  
10 might point out. If an attitude like that develops in advance  
11 of introduction, a public hearing is nothing more than a show,  
12 and it could go to court very easily.

13 But it's something we have to watch in terms of  
14 saying, "Well, we'll introduce, or we'll request the Personnel  
15 Board to introduce, we'll hold our public hearing, and make  
16 our judgment afterwards."

17 We have to be very careful about that step. So I  
18 wish you'd give some thought to that for our worksession.

19 MR. MILLS: I had given some thought to that very  
20 subject.

21 MR. CHRISTELLER: Mr. Hovsepien, I'm not quite sure  
22 how that situation really can arise, if the meet and confer is  
23 between the Executive and the organization.

24 MR. HOVSEPIAN: That's true, but I feel some  
25 obligation when the Executive, for example, or both, agree that

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1 something should be done in terms of changes.

2 MR. CHRISTELLER: Yes.

3 MR. HOVSEPIAN: And I'm only saying that we have  
4 to be very careful that we don't say, "Absolutely," right  
5 from the bat. That's all I'm saying.

6 MR. CHRISTELLER: Well, the point is, they can't.

7 MR. MENKE: They don't have the authority.

8 MR. CHRISTELLER: Neither of them has the authority,  
9 so that all they can agree to do is to urge us to enact it.

10 MR. HOVSEPIAN: I'm only saying, Mr. President --  
11 let me clarify. Both agree that something should be done,  
12 and then that would call for an action on the part of the  
13 Council, all right?

14 MR. CHRISTELLER: That's right.

15 MR. HOVSEPIAN: All I'm saying is that action must  
16 not be a preconceived and a pre-decision action.

17 MR. CHRISTELLER: All right.

18 MR. MILLS: I think the workshop will determine a  
19 lot of that.

20 MR. CHRISTELLER: On the schedule, Mr. Mills, I  
21 don't know quite what we can do. We have filled everything up  
22 through September, and I don't want to delay things that long.

23 Tell me, in terms of your officers, when will they  
24 be back?

25 MR. MILLS: Well, some should be back within a week

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1 of that period, but I'm sure that all of them, mostly, would  
2 be back within a two-week period.

3 MR. CHRISTELLER: All right. You think that they'll  
4 be back the week of the 30th?

5 MR. MILLS: Oh, yes, we'd certainly have enough  
6 then.

7 MR. CHRISTELLER: Okay. I might be able to work  
8 this in on Friday, September 3rd, then. The best I can do is  
9 to tell you, I'll be having an agenda conference next  
10 Wednesday, and we'll make a definite decision. Will you make  
11 a note of that for me, Pearl, and we'll make a definite  
12 decision then and then get word out to everyone who has  
13 testified tonight and let them know for sure when the work-  
14 session is.

15 MR. MILLS: Okay. Thank you very much.

16 MR. CHRISTELLER: I have one other question, one  
17 item I'd like you to think about, and that relates to this  
18 problem of where do we draw the line as to who can be members.

19 It seems clear to me that you can be fairly broad  
20 in the definition of where you draw the line, insofar as it  
21 is a case of meet and confer on questions concerning working  
22 conditions, pay, benefits and so forth.

23 But most of the proposals for this kind of a set-up  
24 for fostering employee organizations also get them involved  
25 in grievance problems, and it's where they get into grievance

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1 problems that you then start to run into the problem about  
2 do you have members of the organization about whom other  
3 members have a grievance, because they happen to be in a  
4 supervisory chain, and the grievance really is directed  
5 at someone else.

6 Who do you represent then? Do you represent the  
7 aggrieved or the middle-level supervisor against whom the  
8 complaint is registered?

9 MR. MILLS: Well, you've brought up a very good  
10 point. It's one even within our own organization we are, you  
11 know, still wrestling with that problem.

12 MR. CHRISTELLER: Every organization has that  
13 problem, too.

14 MR. MILLS: Right, right. I don't think there is  
15 any simple solution to it. I don't want to go off the point,  
16 but basically, I think the clearest way to stop something like  
17 that is for a lot more emphasis to be placed on avoiding  
18 grievances.

19 MR. CHRISTELLER: Yes.

20 MR. MILLS: I'm not trying to dodge the question,  
21 but I do think that a lot more emphasis could be placed on  
22 avoiding grievances rather than always treating grievances.

23 MR. CHRISTELLER: I would hope that that would be  
24 one of the results of this kind of legislation.

25 MR. MILLS: Well, that's what I hope for, too.

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1 Within our own organization so far, this has seemed to work,  
2 with the limited number of trials we've had with it.

3 MR. CHRISTELLER: Okay. Well, you might think  
4 about that. You might even look at a few examples of  
5 grievances that you are aware of, that the group has thought  
6 about, and be prepared to talk to us about those when we have  
7 the worksession.

8 MR. MILLS: All right.

9 MR. CHRISTELLER: John, do you have a question?

10 MR. MENKE: As I have read 23-76 at this point,  
11 at line 246, "An employee who is a member of an employee  
12 organization may request and shall be granted the right for  
13 a member of such organization to be present in any  
14 discussions," and so on -- that doesn't go as far as  
15 representation in a grievance, for example, like this.

16 MR. CHRISTELLER: No; that's right.

17 MR. MENKE: So it may well be that that's how you  
18 get around that problem, that you're representing the  
19 employees, for example, with respect to discussions on  
20 working conditions, and that's not a grievance issue between  
21 two employees. It's a question between all the employees,  
22 generally, and the County Government.

23 MR. CHRISTELLER: But read, starting at line 251.

24 MR. MENKE: (Complying.)

25 MR. CHRISTELLER: It says that the employee

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1 organization itself may submit a grievance. That's what I  
2 was getting at.

3 MR. MENKE: All right. So that also would be  
4 a problem, okay. But that's still a somewhat different  
5 situation from the direct representation of an employee.

6 So you may want to look at those in some detail.

7 MR. MILLS: I believe, really, under line 251, where  
8 it says, "An employee organization may submit a grievance  
9 concerning any dispute involving a claim of violation,  
10 misinterpretation or misapplication of the personnel  
11 regulations or work practices," would really be, even currently,  
12 an employee would have that option.

13 MR. CHRISTELLER: Oh, yes. That's right, that's  
14 right.

15 Mr. Hovsepian?

16 MR. HOVSEPIAN: Mr. President, I would point out,  
17 if I might, that subsequent to the presentation of both of  
18 these bills, reorganization has taken place at the County  
19 level, where we now have an Employee Relations Unit,  
20 immediately under the CAO.

21 That was in response, I believe, to a good deal of  
22 employee representation. So bear in mind, I would say, that  
23 what we might be discussing is inherently the function of the  
24 responsibility of that organization now; to look into a number  
25 of things.

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1 We had a meeting here with our minority group,  
2 advising us on personnel regulations, and we had a member --  
3 I can't remember his name at the moment -- of the unit, which  
4 is now under the CAO, and it was apparent that a number of  
5 the things they were discussing might be useful for examination  
6 by that unit.

7 So this, I think, has been done subsequent to  
8 when both of these were drafted and might be a useful tool  
9 in this respect.

10 MR. MILLS: Right. It certainly would be one which  
11 I'm sure many of our members themselves may wish to use. In  
12 fact, I think they are using it; I'm sure they are.

13 MR. CHRISTELLER: All right. Are there other  
14 questions?

15 (No response.)

16 MR. CHRISTELLER: Apparently not. Thank you very  
17 much, Mr. Mills.

18 The next speaker is John M. Hardy, for the  
19 Montgomery County Fire Fighters.

20 MR. HARDY: Good evening, ladies and gentlemen.  
21 I am John Hardy. I represent the Montgomery County Fire  
22 Fighters Association.

23 So there is no misunderstanding, right off the bat,  
24 I'll tell you that we're very much against Bill 11-76, and  
25 we strongly support Bill 23-76.

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1 After Bill 11-76 was submitted in June, I submitted  
2 a multi-page letter, spelling out my objections, and I don't  
3 think it's necessary to take the time to reiterate each one  
4 of those here this evening.

5 I do want to address myself to several points  
6 between these two bills. As you know, my organization  
7 represents at the present time sergeants, lieutenants,  
8 captains, and even an assistant chief.

9 I think that by limiting the people that organiza-  
10 tions can represent, you'll disenfranchise the fire fighters,  
11 because I would be unable to apply for recognition in my  
12 organization.

13 I think in Mr. Gleason's bill, too, he seems a bit  
14 afraid of what the employees will actually come up with. And  
15 given the result of a nonbinding type of an agreement -- or,  
16 perhaps, not even an agreement -- I don't see any reason for  
17 automatically eliminating certain subjects from being  
18 discussed.

19 In Mr. Gleason's bill, Mr. Gleason would have the  
20 final say-so in all matters, and as we see it, instead of  
21 meeting twice a year, it would save everybody's time if we  
22 just send down a memo.

23 There would be very little point in discussing the  
24 few things that are left to be discussed under Mr. Gleason's  
25 bill.

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1           The bill that has been more recently introduced,  
2 23-76, would seem more realistic. I think that the employees  
3 can express themselves, and I think the County will find that  
4 they'll have more satisfaction among employees when the  
5 employees are given a chance to enter into some of the  
6 processes of the government.

7           This is not to say that the employees are asking  
8 for control of any of these processes, but at least we'll have  
9 a chance to express our either approval or disapproval of all  
10 these matters, and given the openness of Bill 23-76, I think  
11 this could be more readily accomplished.

12           As I say, my main point, I think, is that Mr.  
13 Gleason's bill would eliminate the top half of my group, and  
14 these people are affiliated with the Fire Fighters Association  
15 voluntarily. They felt that it was necessary to have a  
16 group such as mine represent them.

17           I don't feel that this is a conflict between  
18 management and labor. I feel that perhaps the division  
19 especially in the fire service has become a bit higher than  
20 perhaps another organization.

21           Thank you.

22           MR. CHRISTELLER: Thank you, Mr. Hardy. Are  
23 there questions?

24           MR. HOVSEPIAN: Yes. Isn't it a bit different, also,  
25 among our fire fighters? The fire fighters are responsible to

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1 the given department, is that not correct?

2 MR. HARDY: That's true, yes.

3 MR. HOVSEPIAN: They're not responsible adminis-  
4 tratively to the County, but they are responsible to --

5 MR. HARDY: Not yet.

6 MR. HOVSEPIAN: -- to the given board of the  
7 given fire department, is that not correct?

8 MR. HARDY: That's correct, yes.

9 MR. HOVSEPIAN: Promotions and everything are  
10 determined by the department, itself?

11 MR. HARDY: That's correct.

12 MR. CHRISTELLER: Good point.

13 MR. HARDY: Hopefully, that will change soon after  
14 the passage of the bill.

15 MR. CHRISTELLER: Thank you very much. Are there  
16 other questions?

17 (No response.)

18 MR. CHRISTELLER: Apparently not.

19 Michael Goldman?

20 MR. GOLDMAN: Mr. President, members of the Council,  
21 my name is Michael Goldman. I reside at 11400 Rockbridge  
22 Road, in Silver Spring.

23 I want to thank the Council for giving me the  
24 opportunity to express my views on this legislation now  
25 before this body.

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1 I come to you as a resident of Montgomery County and  
2 as the Assistant General Counsel of the National Treasury  
3 Employees Union. We represent approximately 90,000 Federal  
4 employees in the United States Treasury Department and in the  
5 Federal Energy Administration.

6 Presently, approximately 50 percent of all public  
7 employees nationwide are in exclusive units of representation.  
8 So in the deliberations of the legislation now before the  
9 Council, it seems that there is already a body of experience  
10 to draw upon.

11 It seems to me that the experience will demonstrate  
12 that when employees have an opportunity for a voice in their  
13 own destiny, they are more willing to accept and follow  
14 established work rules, and this, in turn, has a positive  
15 impact on employee morale, and also a positive impact on  
16 productivity among employees.

17 It seems to me there is another important aspect  
18 or impact of such meet and confer kind of legislation, and  
19 that is, we see in increasing numbers employees, public  
20 employees, engaging in job actions.

21 And I submit to the Council that in large part, this  
22 is the fault of the legislation or the inability of the  
23 employees to effectively express to management their views  
24 on personnel policies, practices and matters affecting  
25 general working conditions. So that they resort to

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1 job actions in order to make their point to the legislative  
2 or executive bodies.

3 Now, in order for legislation to have the salutary  
4 effect of improving morale and, hopefully, preventing job  
5 actions, the legislation must be meaningful and it must have  
6 credibility.

7 Now, in reviewing both bills before the Council, it  
8 seems to me that the only bill that has credibility and has the  
9 ability to gain the respect of the employees is the bill  
10 introduced on behalf of the employee organization.

11 In comparing the two, it seems obvious to me that  
12 the Council bill does not truly provide for meaningful meet  
13 and confer opportunities.

14 Meeting once every two years allows too much time  
15 for the build-up of frustration among employees. Meeting  
16 quarterly is much more realistic. The employees have a  
17 meaningful outlet for their problems; they don't have to  
18 wait every two years -- or, more often, at the option of the  
19 County Executive.

20 Secondly, not only does the County Executive want  
21 to limit the numbers of meetings that take place, but the  
22 substance of the discussions at these meetings.

23 It seems to me when we're talking about meet and  
24 confer legislation, which is really the lowest form of employee  
25 expression, it seems to me it's unwise to limit the scope of

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1 the discussions in the way the County Executive wishes to do  
2 it.

3 Now, in the federal sector, we do have these  
4 limitations, but we have these limitations under a collective  
5 bargaining approach. These are items we cannot bargain about.  
6 But yet, even on these items, we have the right to bargain on  
7 the impact and implementation of these items.

8 So limiting it in the context of meet and confer  
9 just seems to be very unrealistic. If employees want to  
10 express their views, it seems that the County Executive really  
11 should not have any qualms about giving the employees this  
12 right.

13 Thirdly, the County Executive, through the  
14 legislation, seems to be attempting to control the employee  
15 organization by retaining the right to determine what is an  
16 appropriate unit.

17 Now, it seems to me that we have two separate  
18 organizations; we have an employee organization and we have  
19 management. Traditionally, they sit on opposite sides of the  
20 table, and they express their views.

21 Now, we don't want the County Executive to come over  
22 to the employees' side and say, "We're going to tell you how  
23 to organize. We're going to tell you what your unit should be."

24 It seems that the employee organization bill is more  
25 realistic in providing third parties to make that final decision.

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1 Similarly, in grievances, the County Executive or  
2 the Administrative Officer should not have the final say.  
3 There should be some outside approach.

4 Mr. Whitney earlier suggested advisory arbitration.  
5 That seems to me an approach. I'm not sure under the context  
6 of the present legislation whether binding arbitration would  
7 be appropriate, but that is something that should be looked  
8 into.

9 In conclusion, I fully support the bill introduced  
10 on behalf of the employee organization. However, the Council  
11 should not consider this bill the final answer. It is only a  
12 step, and a very small step, in the proper direction.

13 The Council should continue its efforts to establish  
14 meaningful and full collective bargaining rights for County  
15 employees, and if statewide enabling legislation is needed,  
16 then this is what must be sought.

17 And if I could just make two further observations,  
18 one regarding the 60 percent rule. In the federal sector,  
19 this was the initial way that elections were held. There was  
20 a 60 percent rule.

21 However, this was eliminated in subsequent  
22 executive orders signed by the President. There really is no  
23 need for any 60 percent or 50 percent rule.

24 Employees should feel that an election is important  
25 enough to get out and vote, and if they don't vote, then they

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1 must live with the decision made. That's how the general  
2 electorate operates in a Presidential election or any other  
3 election.

4 And one final point, regarding the supervisors,  
5 which was brought up earlier, whether or not there is a  
6 conflict of interest, and I just want to make an observation  
7 how this is handled in the Federal Government.

8 Supervisors have the right to join a labor organi-  
9 zation; anybody has the right to joint a labor organization.  
10 However, the labor organization only has the right to represent  
11 and to bargain for nonsupervisory employees.

12 That might be an approach here, whereby the  
13 employee organization would not have the right to represent  
14 supervisors in grievances, but the supervisors would have the  
15 right to join the organization but not necessarily be protected  
16 by the legislation passed by the Council.

17 Thank you.

18 MR. CHRISTELLER: All right. Are there questions?

19 (No response.)

20 MR. CHRISTELLER: Thank you, Mr. Goldman.

21 Gordon Wilson?

22 MR. WILSON: Good evening. My name is Gordon  
23 Wilson, and I live at 8312 McCullough Lane, Apartment 102,  
24 Gaithersburg, Maryland.

25 I have worked for Montgomery County almost five

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1 years. I work in the Division of Solid Waste Management,  
2 Department of Environmental Protection.

3 In the past year, our division has probably gone  
4 through more turmoil than any other division within the County,  
5 at least I feel, and most of my coworkers.

6 We've had several lay-offs, and we feel that the  
7 way we've been treated, the situation has dictated a lot  
8 of it, but we really haven't been explained to or told just  
9 why.

10 We've had problems, you know, with people saying  
11 we've got a lay-off coming. We've been told by our supervisors  
12 that we will be informed when it's going to come, we will get  
13 our notices and everything.

14 But the story continually rides along. They say  
15 one thing, and two weeks later, it's changed; another month,  
16 it's changed; on down the line.

17 No one has really been that honest with us to say,  
18 "This is the situation, this is what's going to be, this is  
19 what's going to happen."

20 I think most of us are men enough to stand up and  
21 face the facts, but we would like to know the facts first.

22 We feel that we need an organization to represent  
23 us to try and -- at least, for us to go to someone and say,  
24 "We want to find out what's going to happen."

25 I strongly endorse Bill 23-76. I think Mr. Gleason's

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1 Bill 11-76 is a farce. As far as I'm concerned, we have more  
2 recognition right now for our employee organization than what  
3 we would be granted under his bill.

4 I urge you strongly to pass 23-76.

5 MR. CHRISTELLER: All right. Are there questions?

6 MR. HOVSEPIAN: Yes.

7 MR. CHRISTELLER: Mr. Hovsepian?

8 MR. HOVSEPIAN: Yes, Mr. President. I think it  
9 might be useful -- at these public hearings, various things  
10 do come out which the Council hears about. We hear from  
11 citizens through all kinds of letters, and then we transmit  
12 these letters to the County Executive for comment, so the  
13 President can write back.

14 It seems to me that we have an employee who has  
15 raised a good question, and it might be useful, Mr. President,  
16 if we refer this question to the County Executive.

17 MR. CHRISTELLER: All right. Thank you.

18 Thank you, Mr. Wilson.

19 Next, Melvin Tull.

20 MR. TULL: Good evening, Mr. Christeller, other  
21 members of the Council. My name is Melvin Tull. I regret  
22 that I did not come prepared --

23 MR. CHRISTELLER: Don't worry about it.

24 MR. TULL: In fact, I'm not all that clear on what  
25 I really want to say.

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1 I am speaking as an individual. I am also a vice-  
2 president of the employees organization chosen to represent  
3 the feelings of supervisory personnel.

4 So, with that, you may gather that I'd like to  
5 speak to the issue of excluding supervisory, management and  
6 confidential personnel, and to urge you not to do same.

7 These supervisory and management jobs take a  
8 variety of titles. I think, if you take away the title, and  
9 you leave only the pay and the work, the responsibilities or  
10 the various parts of the job and the control of the work of  
11 others, you'd find that most of the supervisors would be a tiny  
12 bit unhappy.

13 The title is part of the prestige, part of the self-  
14 image, most important especially to those who are under-  
15 classified in comparison to supervisors in the local job  
16 market..

17 But I think you'd also find that the self-image,  
18 which is so important, is conferred not only by a title but  
19 by an inner willingness to come to bat for the County, to  
20 work unpaid overtime.

21 And I think most of us have pictured ourselves as  
22 filling in in dirty but necessary jobs in times of emergency,  
23 if there were strikes or some unknown breakdown for some  
24 unknown reason -- even working in the landfill, or whatever --  
25 just as we picture the same thing happening in private industry.

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1 Prestige is important to the self-image. Call any  
2 of these jobs by a title of lesser prestige, call any of these  
3 supervisors a garbage collector, or a Councilman, or whatever  
4 else; it would not matter a great deal, just a little bit.

5 But the important thing to bear in mind is that  
6 the supervisory employees approach their jobs with a  
7 dedication, and that this dedication, too, is important to  
8 their image, their self-image.

9 And I think that's what Bill 11-76 would do damage  
10 to. I think the problem is basically that the approach in  
11 11-76 would be to differentiate supervisors from the rank and  
12 file by drawing some definitions, and even tightening the  
13 wording of these definitions may not help a great deal.

14 What seems to be lacking is a ready way of  
15 recognizing the supervisor as opposed to the rank and file.  
16 You may laugh at some of this, but we don't have in this  
17 County some of the things that exist in private industry, in  
18 the private sector.

19 We are constantly asked to look to the private  
20 sector as a source of good ideas, as a way of doing things  
21 better. And supervisors and management people continually  
22 find themselves looking to the private sector for new ideas.

23 One of the things they find -- and here's where  
24 you'll laugh -- is that the private sector has hunting lodges  
25 and that type of prerequisite for management people, and they

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1 have other types of little benefits. After a certain number  
2 of years, maybe you'd get a take-home car; there are price  
3 reductions on whatever the product of the industry is.

4 Our product here happens to be real estate taxes,  
5 and I don't know if we'll ever get reductions on that.

6 But I'm just saying, a lot of these things don't  
7 exist. There was, at one time, an association of Montgomery  
8 County Administrators, which is where you would expect to find  
9 a lot of the supervisory and management and confidential  
10 personnel.

11 That seems to be somewhat defunct at the present,  
12 and I think a large part of the reason it died is that it got  
13 very little support from -- not even monetary support, I'm  
14 talking about -- but just support from the attendance of the  
15 Executive and the Council.

16 In the same vein, there's a lack of management  
17 training opportunities, a specific program to rotate people  
18 through different divisions and provide a well-rounded  
19 background.

20 So what I'm talking about is not entirely take-home  
21 cars and hunting lodges and that sort of thing. But there is  
22 a total lack of anything other than maybe a 5 percent pay  
23 increase to differentiate a supervisor from the rank and file.

24 Because of this, I ask you to pass or adopt some-  
25 thing along the lines of Bill 23-76, at least until someday when

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1 I hope some of the task forces that have been established in  
2 the last year result in a little better definition of the  
3 difference between the various classes.

4 Thank you.

5 MR. CHRISTELLER: Thank you, Mr. Tull. Are there  
6 questions?

7 (No response.)

8 MR. CHRISTELLER: Thank you very much.  
9 Charles Simpson?

10 MR. SIMPSON: Mr. President and members of the  
11 Council, I am Charles L. Simpson, President of the Fraternal  
12 Order of Police, Lodge Number 35, of Montgomery County.

13 The statement I'm going to make is brief.  
14 Basically, the enactment of legislation to recognize  
15 employee representative groups is essential to the smooth,  
16 continuous operation of the County Government, the welfare  
17 of the County employees, as well as the citizens of Montgomery  
18 County.

19 In the early spring of this year, Montgomery  
20 County came extremely close to experiencing a job action  
21 by Montgomery County police officers, because there wasn't  
22 a vehicle by which police officers could collectively convey  
23 their needs to County officials.

24 At the peak of this emotionally-charged period,  
25 the police department suffered a double tragedy, with the

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ah 1 death of two police officers. Subsequently, the attention of  
2 the department shifted its focus on this tragedy, with the  
3 prime concern being directed to this event.

4 We feel that if it were not for this untimely  
5 event, Montgomery County would have surely experienced a  
6 job action.

7 The Fraternal Order of Police Lodge Number 35  
8 believes that Bill Number 23-76 is certainly a step in the  
9 right direction, but lacks essential elements, such as a  
10 collective bargaining with binding arbitration clause.

11 Bill 23-76, by providing an effective employee-  
12 employer relationship, may very well prevent a future job  
13 action by members of the police department, provided that  
14 both the County Government and County employees act in  
15 good faith.

16 The Fraternal Order of Police strongly urges  
17 passage of Bill 23-76 for the welfare of all concerned.

18 I've sat back there and listened to much discussion  
19 as to who should be included and who should not be included.  
20 We have a unique situation in the police department, in that  
21 we truly do have supervisors. Then we also have the rank and  
22 file officers.

23 It is our opinion that the line should be drawn  
24 at sergeant; that anyone above the rank of sergeant should not  
25 be included. But it could be anyone above the rank of sergeant

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1 could be a member of the organization but not necessarily  
2 represented by the organization.

3 I feel that this bill, this legislation that's  
4 being presented to the County, Number 23-76, is long overdue.  
5 I think we're behind, and I realize the circumstances as far  
6 as collective bargaining with binding arbitration in the  
7 County.

8 We either have to have a charter amendment or it  
9 has to be passed through state legislation. So I can under-  
10 stand, and that puts us between a rock and a hard spot.

11 But this is definitely a step in the right  
12 direction.

13 MR. CHRISTELLER: Thank you, Mr. Simpson. Are  
14 there questions?

15 (No response.)

16 MR. CHRISTELLER: Apparently not. Thank you.

17 Is there anyone else who wishes to testify on  
18 these bills?

19 (No response.)

20 MR. CHRISTELLER: If not, we'll conclude the  
21 hearing. We'll hold the hearing record open if anyone wishes  
22 to submit additional testimony.

23 We'll hold the record open until the close of  
24 business on July 30th, which is over two weeks.

25 (Whereupon, at 9:30 p.m., the hearing was closed.)

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## CERTIFICATE OF REPORTER

I hereby certify, as the stenographic reporter, that the foregoing proceedings were taken stenographically by me and thereafter reduced to typewriting by me or under my direction; that this transcript is a true and accurate record to the best of my ability.

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